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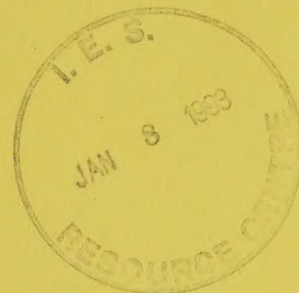
CH-87-03(F)(1992)

COUNTY OF SIMCOE LANDFILL SITE DECISION AND REASONS FOR
DECISION IN THE MATTER OF AN APPLICATION BY THE
CORPORATION OF THE COUNTY OF SIMCOE (FORMERLY THE NORTH
SIMCOE WASTE MANAGEMENT ASSOCIATION) FOR THE ACQUISITION

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Ontario



The Joint Board THE CONSOLIDATED HEARINGS ACT, 1981

CH-87-03(F)(1992)

COUNTY OF SIMCOE LANDFILL SITE

DECISION AND REASONS FOR DECISION

IN THE MATTER OF an application by the Corporation of the County of Simcoe (formerly the North Simcoe Waste Management Association) for the acquisition of land for the construction, operation and maintenance of a sanitary landfill site to contain 1,200,000 cubic metres of waste;

AND IN THE MATTER OF Order in Council 2670/92 authorizing a funding panel established by the Environmental Assessment Board to distribute funding among qualified parties in connection with the hearing on the Corporation of the County of Simcoe application.

BEFORE: Dr. D. James Kingham

DECISION DELIVERED ORALLY ON DECEMBER 8, 1992.

ISSUED at TORONTO this 15TH day of DECEMBER, 1992.

2300 Yonge Street
Suite 1201
Toronto, Ontario M4P 1E4
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COUNTY OF SIMCOE LANDFILL SITE

IN THE MATTER OF Section 12(2) of the *Environmental Assessment Act*,
R.S.O. 1990, c. E-18;

- and -

IN THE MATTER OF an application by the Corporation of the County of
Simcoe (formerly the North Simcoe Waste Management Association) for the
acquisition of land for the construction, operation and maintenance of a sanitary
landfill site to contain 1,200,000 cubic metres of waste;

- and -

IN THE MATTER OF Order in Council 2670/92 authorizing a funding panel
established by the Environmental Assessment Board to distribute funding among
qualified parties in connection with the hearing on the Corporation of the County
of Simcoe application.

BEFORE: Dr. D. James Kingham

Appearances

Marshall Green	-	for the County of Simcoe
Peter Pickfield	-	for the Wye Citizens Group
Marlene Lambie	-	of the Wye Citizens Group
Steve Ogden	-	of the Wye Citizens Group

REASONS FOR DECISION AND DECISION

DECISION DELIVERED ORALLY BY D.J. KINGHAM ON DECEMBER 8, 1992

Introduction

By Order in Council 2670/92 it was ordered that additional Intervenor Funding up to a total of \$15,000 be administered by the Environmental Assessment Board as set out in Appendix A to that Order in Council. The funds were to be awarded in connection with the Environmental Assessment hearing for the landfill site proposed by the North Simcoe Waste Management Association.

An earlier Order in Council (1529/90) had substituted the decision of the Joint Board to allow the proponent an opportunity to produce evidence of further investigations of other areas comparable to site 41 and, whether or not another site was found, to re-consider the rating for the Agricultural Lands Component of the comparative analysis and carry out a final selection process with this adjustment.

Order in Council 1529/90 also said that if the preferred site is once again Site 41 the proponent's evidence may be limited to evidence of its additional hydrogeological and other investigations and the rationale for such preference together with evidence of the site selection process as set out in an addendum to the Environmental Assessment. The evidence was expected to address the Board's previous criticism that there may be other preferable containment sites. If the Board were satisfied regarding the investigation for alternatives sites, no further evidence would have to be called in regard to other aspects apparently accepted by the Board as satisfactory, nor would it be necessary for new or additional evidence to be called regarding the effect of site 41 on the agricultural community, or regarding conditions in the event approval is granted.

The Funding Panel was appointed by the Chair of the Environmental Assessment Board on September 28, 1992 and application forms and instructions for their completion were mailed to parties to the Country of Simcoe hearing on October 8, 1992.

A complete application was received from the Wye Citizens Group in the time allowed and the Funding Hearing took place on Tuesday, December 8, 1992 at 11:00 a.m. in Midland, Ontario. This was in accordance with Appendix A to Order in Council 2670/92 that:

"the Funding Panel shall convene a Funding Hearing to receive and consider applications for funds from intervenors"

and

"the Funding Hearing shall take place in or near the local municipality in which the proposed site is located."

The Application

The completed application of the Wye Citizens Group is attached as Appendix 1 to this Decision.

The Panel heard submissions from Mrs. Marlene Lambie and Mr. Steve Orgden of the Wye Citizens Group, Mr. Peter Pickfield, Counsel on behalf of the Wye Citizens Group, and Mr. Marshall Green, Counsel on behalf of the County of Simcoe.

Mr. Pickfield explained that the Wye Citizens Group was comprised of 40 families in the vicinity of the proposed site. This group had had a direct and long term involvement in all aspects of waste management in the area not just the landfill issue. He stated that the project would have a significant impact on his clients.

It was noted that members of the Wye Citizens Group were opposed to the proposed landfill and 10 to 15 of their members had been present at the original hearing on most of the 70 days of that hearing.

The Wye Citizens Groups had "successfully opposed" the proposed landfill at the proposed site but the decision of the Joint Board in that case had been overturned by Cabinet. According to Mr. Pickfield the original hearing had required tremendous financial commitment and had exhausted the emotional resources of the families concerned. They had raised \$36,572.92 through pledges and donations, craft sales, dances, bake sales, community sports and door to door canvassing. Many of the member of the Wye Citizens Group were disillusioned by the Cabinet Decision to re-hear parts of this application. In light of this they felt that it would be difficult to raise the \$2,000 which they expected to raise for the re-hearing of certain matters.

The Funding Panel appreciates the trauma which was described by members of the Wye Citizens Group and understands that it may be more difficult for them to raise additional funds for the re-hearing then it was for them to raise their original funds. It will not require the Wye Citizens Group to raise all of the \$2,000 as a pre-condition for receiving funds at this time.

The Funding Panel was told that over the last month or so the group has resumed its search for other funds and in particular was looking for legal aid support in its present battle.

Mr. Pickfield stated that it was assumed that the re-hearing would take 30 days in order to deal with 2 years of additional data gathered by the Proponent. He had assumed a 1:1 ratio of preparation time to hearing time for the lawyers involved.

The Wye Citizens Group will continue to coordinate its efforts with the Township of Tiny and is also coordinating its preparation with the Canadian Owners and Pilots Association. The intent of this coordination and their appearance at the hearing will be to be as "useful" to the Board in this hearing as they apparently were at the original hearing.

Mr. Green stated that his client anticipated that the Wye Citizens Group would receive nothing less than the \$15,000 set out in Order in Council 2670/92 but he felt that the Funding Panel would have to follow the Cabinet Ruling strictly and award no more than \$15,000.00. This sentiment was reflected as well in a written submission from Mr. Jack Coop, Counsel for the Ministry of the Attorney General representing the Ministry of the Environment, which submission is attached hereto as Appendix 2. In that submission Mr. Coop states: "pursuant to the Order in Council, the Funding Panel only has jurisdiction to award a maximum of \$15,000 in Intervenor Funding and the Ministry expects this maximum will not be exceeded."

While the budget submitted for the Wye Citizens Group was \$112,266.20, Mr. Pickfield explained that his client was not seeking any more than the \$15,000.00 allowed under the Order in Council, but had submitted the entire budget because the Funding Panel's Application Forms asked for a complete budget.

Mr Green further noted that the Order in Council restricts funding to the issues which are set out at paragraphs 1, 2 and 5 of the Order in Council. Those are the paragraphs which speak to the proponent producing evidence of further investigations of other areas comparable to site 41, re-considering the rating for the agricultural lands component of the comparative analysis, and limiting its evidence to additional hydrogeological and other investigations and the

rationale for such preference together with evidence of the site selection process. It was Mr. Green's submission that the Funding Panel must follow the Cabinet Ruling to the letter and spend only on those three issues.

Mr. Green argued that none of the funds awarded, if any were to be awarded, should be used for the stated case, of which the parties had been made aware. He further requested that the Panel include in its reasons for decision with regard to this funding application a direct reference to that matter. Mr. Pickfield on the other hand believes that motions leading to judicial proceedings would be covered but the actual proceedings themselves would not be.

On this matter, the Funding Panel accepts the plain English of paragraph 4 in Appendix B to the Order in Council that: "disbursements for judicial proceeding related to or arising out of hearings are not eligible for funding."

Mr. Green was surprised at the amount of time anticipated for the appearance of Mr. Rowe at the re-hearing of evidence. He noted in particular that it was expected that Mr. Rowe would be in appearance at the hearing for 32 hours and would require 419 hours of preparation time. This is 13 hours of preparation for each hour of appearance, as opposed to one hour of preparation for each hour of appearance of legal staff. But Mr. Pickfield explained that Mr. Rowe would be playing a more central role in the re-hearing than he did in the original hearing. While there may be some uncertainty about the actual time he is in appearance, that uncertainty relates to cross-examination which, in Mr. Pickfield's opinion, could be up to one week. Mr. Pickfield added that Mr. Rowe's preparation time was not the same as for lawyers since he would have to spend time in reviewing the Environmental Assessment addenda preparing his reports, meeting with lawyers and dividing his time between the Environmental Assessment process issues and the land use issues.

The Funding Panel notes that in reviewing the EA addenda, preparing and reviewing interrogatories, preparing a draft report, a final report and a witness statement, review of transcripts and preparing for the hearing and attending at the hearing would consume some \$26,000 of Mr. Rowe's time. These aspects alone are well in excess of the \$15,000 set aside under the Order in Council without considering the extensive time which is sought for Mr. Rowe in the review of the original Environmental Assessment documentation and in the review of "in process" documentation subsequent to the Order in Council. Indeed, it seems to me that the

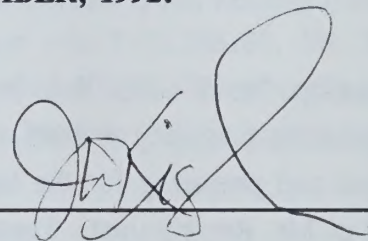
items set out in lines 3 to 7 of the budget attached to Mr. Roe's letter of October 26, 1992 (which is included in Appendix 1 to this decision) are not only the least contentious of the matters considered at the funding hearing but are also those most in line with paragraphs 1, 2 and 5 of the Order in Council under which the funds were awarded.

DECISION

The Board finds that the Wye Citizens Group meets all of the eligibility conditions and criteria as set out in Appendix B to the Order in Council. The Funding Panel finds the application prepared by the Wye Citizens Group to be complete in all respects and awards \$15,000 to the Wye Citizens Group subject to the following conditions:

1. None of these funds may be used for judicial proceedings related to or arising out of hearings;
2. The funds are to be used for payment of Mr. Steven Rowe of Walker, Nott, Dragicevic Associates Limited for review of EA addenda, preparation and review of interrogatories, preparation of reports and witness statements, hearing preparation and attendance; and
3. The Wye Citizens Group shall contribute the first \$1,000 to Mr. Rowe's expenses. Upon proof of payment of this portion, the \$15,000 provided for in the Order in Council may be released for subsequent invoices of Mr. Rowe.

ISSUED AT TORONTO THIS 15TH DAY OF DECEMBER, 1992.

A handwritten signature in black ink, appearing to read 'D. J. Kingham', is written over a horizontal line.

**D. J. Kingham, Ph.D.
Funding Panel**

GARROD ASSOCIATES

Environmental, Municipal & Planning Law

Stephen Garrod, B.A., LL.B., M.E.S.
Anja Nurvo, B.A., LL.B.
Peter C. Pickfield, B.A., LL.B., LL.M.
Scott Snider, B.E.S., LL.B., M.E.S.

221 Woolwich Street
Guelph, Ontario. N1H 3V4
Tel: (519) 837-0500
Fax: (519) 763 2204

October 28, 1992

VIA FAX - Original by Mail

Ms. Janet Martell
Assistant Board Secretary
Office of Consolidated Hearings
2300 Yonge Street Suite 1201
Toronto, Ontario M4P 1E4

Dear Ms. Martell:

**RE: Intervenor Funding Program, County of Simcoe Landfill Environmental Assessment
Board File No. CH-87-03**

With this letter we are providing an application for funding under Order-in-Council 2670/92 on behalf of the Wye Citizens Group.

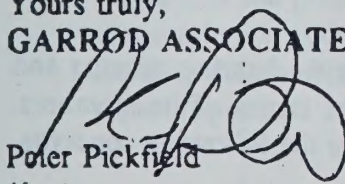
This application includes the following:

1. Funding Application Form
2. Proposed Budget
3. Proposed Budget Summary Form
4. Work Plan of Steven Rowe
5. C.V.s for Steven Rowe and Paul Bowen.

Please note that we have not provided a funding status form since we did not receive one with the funding application material. It is our understanding that this form is not applicable in this instance.

Please advise if you require any further information.

Yours truly,
GARROD ASSOCIATES


Peter Pickfield

*ls

Enclosures

cc Ms. Sharon Lapham, Mr. William Peppler, Mr. A. Faskin

October 28, 1992

FILE NO. CH-87-03 (F) 1992
APPENDIX A

OIC 2670/92

FUNDING APPLICATION FORM

County of Simcoe Landfill Site Concerning An Application for a Sanitary Landfill

1. **Name of Group:** Wye Citizens Group
2. **Address:** c/o Ms. Sharon Lapham, Chairperson
P.O. Box 117
R.R. #1
Wyevale, Ontario
LOL 2T0
3. **Telephone Number:** (705) 322-3076
4. **Please describe the interest you represent and the specific purpose for which you request assistance as clearly as possible.**

The Wye Citizens Group represents 40 families who live and work in the immediate vicinity of site 41, the proposed location for the County of Simcoe landfill site in the Township of Tiny. The group was established in 1985 to represent the interests of residents living in the agricultural community surrounding the site in the environmental assessment and hearing processes leading up to a decision on whether or not to approve site 41.

The group's members have a direct and long term stake in the decision on site 41. A number of the group's members are farmers whose business operations could be directly affected by the proposed landfill. Others are long term residents of the area whose enjoyment of lifestyle and property will be significantly altered by the establishment of a landfill at this location. The proposal will have a significant impact on the nature and character of the agricultural community within which the group's members live and work.

The group is seeking funds for legal representation throughout the hearing process and to address a number of specific interests which are fundamental to the issues of its members. Specifically, the group seeks funds to obtain expert assistance to address the following concerns.

Environmental Assessment Process - The group requires the assistance of an environmental planner with experience in the field of environmental assessment to review the adequacy of the proponent's environmental assessment decision making and planning process carried out by the proponents, the Board decision of November 17, 1989. In 1989, the group retained the services of Mr. Stephen Rowe, an environmental planner with the firm of Walker Wright and Young, to review the environmental assessment process issues. Mr. Rowe gave evidence on behalf of the group at the original Joint Board Hearing on this matter. The group is proposing to retain Mr. Rowe to review the work carried out by the County of Simcoe subsequent to the Board's 1989 decision, and to give evidence at the "resumed hearing" on these issues.

Land-use - The group is also proposing to retain Mr. Rowe to review land use in the vicinity of site 41, to determine whether there are any land use changes which are relevant to the Board's determination in this matter, and to give evidence to the Board on this issue.

Hydrogeology - The group is concerned about the adequacy of the hydrogeological component of the site selection process, and its impact in the proponents decisions with respect to site selection. The group is seeking funding to retain Mr. Paul Bowen, a hydrogeologist, and principal of the firm Terraprobe Limited, to review hydrogeological issues relevant to the Board's determinations in this matter. Mr. Bowen was retained by the firm to review hydrogeological issues pertaining to the site selection process in 1989, and gave evidence before the Joint Board at the 1989 hearing on this matter.

Given the \$15,000 limit on the funding order, the group is exploring other means of funding work in two other areas:

Agricultural Community - At the 1989 hearing, the group raised concerns about the adequacy of the proponent's environmental assessment in addressing impacts on the nature and character of the agricultural community in the vicinity of site 41. The group continues to have concerns regarding this issue, and the Board, in its procedural guidelines for the hearing, has indicated that it wishes to hear evidence on this issue. The group proposes to retain an expert specializing in the assessment of social and community impacts, and in particular the impacts on agricultural communities.

Bird/Aircraft Interaction - Funding is being sought to assist the group in addressing the impacts of the proposed landfill on aircraft movements at nearby Huronia Airport. Since the original meeting, this airport has undergone a major expansion. It is hoped that funding can be obtained to look at the impacts at the airport and means of mitigating those impacts.

5. Describe the relevance of your proposed expenditures to the matters to be canvassed by the hearing as set out in paragraphs 1, 2 and 5 of Order in Council 2670/92.

The group takes the position that the matters relevant to the Board's determination of this matter are not limited to the issues set out in paragraphs 1, 2 and 5 of Order in Council 2670/92.

It is submitted, however, that the proposed expenditures by the WYE Citizens Group relate directly to the issues set out in these paragraphs. Specifically, both Mr. Rowe and Mr. Bowen will be reviewing the adequacy of the further investigations of other areas comparable to site 41 required under paragraph 1 of the Order, from the perspective of their particular expertise. Mr. Rowe and the expert on agricultural community impacts will be reviewing the proponent's treatment of the agricultural lands component of the comparative analysis, including the rating system adopted by the proponents, the issue identified in paragraph 2 of the Order in Council. Finally, both Mr. Rowe and Mr. Bowen will be reviewing the proponents' evidence of "additional hydrogeological and other investigations and the rationale for..." the preference of site 41 as set out in the proponent's draft addendum to the environmental assessment dated April, 1992. Both Mr. Rowe and Mr. Bowen will be reviewing the adequacy of the evidence in addressing "the Board's previous criticism that there may be other preferable containment sites."

In addition, the Board has indicated in its procedural guideline for this hearing that "(t)he Board does not take the wording of paragraph of the OIC to mean that it is precluded from hearing new and further evidence (on the effect of site 41 on the agricultural community)."

The group proposes to apply funds to the review and preparation of evidence pertaining to this issue.

6. Has your group made diligent efforts to raise funds through other means, and if so, how much has been raised and how much is still needed?

In its decision of November 17, 1989 the Joint Board noted that the WYE Citizens Group, "through fund raising endeavours, has secured \$36,572.92 towards the costs of the hearing." Through these efforts, between 1985 and 1989, the group exhausted the available resources in the agricultural community in the vicinity of site 41 in its efforts to make a meaningful contribution to the 70 day hearing in this matter. The group was successful at the hearing, but through a decision of cabinet, the Board decision was overturned. This has led to a good deal of disillusionment regarding the value of contributing funds to that hearing process. The group has not continued its fund raising effort since the release of the Board decision. Group members have continued to volunteer substantial amounts of their time and energy to maintaining group activities, reviewing and commenting on the proponent's work, and to participating in the environmental assessment process carried out by the County of Simcoe.

The group is seeking Legal Aid funding assistance for its participation in the hearing process. The prospect of obtaining funding from the Legal Aid Plan is uncertain, given the recent policy of the Plan not to fund activities before administrative tribunals in most circumstances. The group was successful in obtaining Legal Aid funding in 1989.

7. Please describe your efforts to coordinate the interests of your group and the interests of others within one representative group.

The WYE Citizens Group represents a coalition of interested groups and individuals with serious objections to the site 41 proposal. The group has coordinated its efforts with the Township of Tiny, the host municipality for the proposed landfill, also opposed to site 41. Through this coordination, the group was able to avoid unnecessary duplication throughout the original hearing process and to focus its efforts on those specific areas which are of fundamental concern to the group. One measure of the group's success in avoiding duplication and overlap is the finding of the Joint Board at page 92 of the November 17, 1992 decision and reasons for decision. The Board found that the group was of assistance to the Board in:

"consolidating and summarizing community concerns under an umbrella organization and by presenting useful information concerning the social impact of the proposed undertaking on area residences and businesses. The expert evidence concerning the environmental assessment process was also of assistance."

The Board awarded the group costs for 100% of its expenditures less the amount raised by the group, which was treated by the Board as the group's contribution to the hearing process. Finally, the group is coordinating its efforts with the Canadian Owners and Pilots Association in addressing the impact of gull/airplane interaction in light of the expansions to the Huronia Airport.

8. Do you feel that a separate representation of your particular interest would assist and substantially contribute to the hearing? Please elaborate.

The group submits that its representation would substantially contribute to the hearing. As noted in item 7 above, the Joint Board found the participation of the group at the original hearing to be useful and of assistance. The group intends to ensure that its participation in the "resumed hearing" continues to be of assistance. It is submitted that the group's participation in this hearing process is essential given that the group represents the individuals most directly affected by the proposed landfill.

9. Does your group or its members have a commercial financial interest in the outcome of the hearings?

The group has no commercial financial interest in the outcome of the hearings.

Group members have no direct commercial financial interest in the outcome of the hearings. However, a number of members operate farming, farm related and other businesses in the immediate vicinity of the site. The livelihood of these members depends upon these business activities, and consequently, the establishment of a landfill is likely to have a significant adverse impact on their business activities. Thus, while no members of the group could claim any financial benefit from the outcome of the hearing, a decision to establish a landfill could have an adverse economic impact on existing businesses operated by members of the group.

10. Has your group established a record of concern and a demonstrated interest in a responsible way to the concern?

See items 7 and 8 above. The group has participated in the environmental assessment process with respect to this landfill operation since 1985. The group has made a significant financial contribution to the hearing process which was completed in September 1989. In addition, group members, and members of the group's executive committee have been actively involved on a volunteer basis in carrying out group activities related to environmental protection, waste management, and environmental assessment throughout the life span of the group. It is submitted that during this time, the group has had a high profile active role in discussing and providing input on waste management issues in North Simcoe County. In particular, over the past three years the group has been very active in identifying and implementing alternatives to landfill in North Simcoe. It has spearheaded proposals to establish ambitious waste reduction and recycling programmes in North Simcoe.

It is submitted that in its waste management efforts, in its active participation in the environmental assessment process over a lengthy period of time, in its ongoing opposition to site 41, and in its fulltime participation in the prolonged hearing process, the group has demonstrated a record of concern and demonstrated commitment to responsible community action which is unequalled by community environmental groups in the province of Ontario.

11. What is your clear and delineated purpose for the expenditure of funds? Please summarize below in appendix B, "Proposed Budget".

See item 4 above. Appendix B, the group's "Proposed Budget" is attached to this application.

12. Please describe the extent to which your group has in place the appropriate mechanisms to ensure accountability to the government and the community.

(a) Financial Plan

The group has established a budget for its participation in the hearing process. The budget will be administered by the group's executive committee in conjunction with Garrod Associates. A trust account has been established for the WYE Citizens Group by Garrod Associates. All funds received will be administered through this trust account, and subject to the rules and regulations of the Law Society of Upper Canada. The group will report on its expenditure of funds through Garrod Associates.

(b) Key individuals responsible for:

- (i) **Monitoring progress to the overall Plan;** Garrod Associates will monitor expenditures and report to Sharon Lapham, group chairperson.
- (ii) **Fund raising;** Executive committee members - Sharon Lapham, Gord Leonard, Julie Barker, Elizabeth MacDonald.
- (iii) **Liaising with group membership;** Same as (ii) above.
- (iv) **Record keeping, control of receipt and disbursement of funds;** Sharon Lapham and Elizabeth MacDonald. Record keeping and disbursement of funds pertaining to the legal and expert assistance for the hearing has been delegated by the executive committee to Garrod Associates.
- (v) **Programme and financial reporting to funding bodies;** This function has also been delegated to Garrod Associates by the executive committee.

Application prepared by:

Garrod Associates

221 Woolwich Street

Guelph, Ontario

NIH 3V4

Phone: (519) 837-0500

Fax: (519) 763-2204

Peter Pickfield

Counsel for the WYE Citizens Group

Dated October 28, 1992.

OIC 2670/92 COUNTY OF SIMCOE FUNDING PROGRAM

PROPOSED BUDGET

LEGAL EXPENSES

Legal Fees: * \$ 75.38 per hour for approximately 250 hours preparation \$ 18,845.00

\$ 75.38 per hour for approximately 240 hours for hearing attendance \$ 18,091.20

Disbursements: (mileage, parking, accomodations, miscellaneous expenses) \$ 6,500.00

* Please note that the Orders in Council stipulate that legal fees must be calculated on the basis of the current Legal Aid Tariff.

SUBTOTAL LEGAL \$ 43,436.20

EXPERTS Please identify and name the expertise of each witness or advisor for which you would like funding. Please include a curriculum vitae for each witness if appropriate. You should also indicate the issue to be addressed and briefly describe the work plan for preparation of evidence and attendance at the hearing.

1. Name: Steven Rowe, Senior Associate, Walker, Nott, Dragicevic Associates Limited

Expertise: Environmental Assessment Process issues

Work Plan: (see attached correspondence - chart A)

Fees: \$ 110 per hour for approximately 268 hours preparation \$ 29,480.00

\$ 110 per hour for approximately 20 hours for hearing attendance \$ 2,200.00

Disbursements: \$ 680.00

TOTAL \$ 32,360.00

2. Name: Steven Rowe, Senior Associate, Walker, Nott, Dragicevic Associates Limited

Expertise: Land-use Planning

Work Plan: (see attached correspondence - chart B)

Fees: \$ 110 per hour for approximately 114 hours preparation \$ 12,540.00

\$ 110 per hour for approximately 12 hours for hearing attendance \$ 1,320.00

\$60 per hour for approximately 37 hours preparation \$ 2,220.00
Disbursements: \$ 1,370.00

TOTAL \$ 17,450.00

3. Name: Paul Bowen, principle, Terraprobe

Expertise: Hydrogeologist

Work Plan: Review documentation, research, draft report, preparation for hearing, attendance at hearing.

Fees: \$ 94 per hour for approximately 60 hours preparation \$ 5,640.00

\$ 94 per hour for approximately 20 hours for hearing attendance \$ 1,880.00

Disbursements: \$ 1,000.00

TOTAL \$ 8,520.00

Name:

Expertise:

Work Plan:

Fees: \$ _____ per hour for approximately _____ hours preparation \$ _____

\$ _____ per hour for approximately _____ hours for hearing attendance \$ _____

Disbursements: \$ _____

SUBTOTAL EXPERTS \$ 58,330.00

General Disbursements

Salaries (technical staff/advisory services)	\$ _____
Salaries (clerical assistance)	\$ _____
Office Rental	\$ _____
Office Supplies/Equipment	\$ _____
Postage , courier	\$ <u>1,000.00</u>
Typing	\$ _____
Printing	\$ <u>1,200.00</u>
Telephone Costs	\$ <u>2,000.00</u>
Photocopying	\$ <u>300.00</u>
Transcripts (30 days) @ \$200 per day	\$ <u>6,000.00</u>

SUBTOTAL DISBURSEMENTS \$ 10,500.00

TOTAL PROPOSED BUDGET \$ 112,266.20

Other Sources of Funds

Funds raised to date	\$ <u>0</u>
Funds expected to be raised	\$ <u>2,000.00</u>

TOTAL FUNDS REQUESTED \$ 15,000.00

(Please summarize your proposed budget on the attached Financial Plan Summary Form)

Proposed Budget Summary

CH-87-03 (F) 1992

Intervenor:

LEGAL	HOURS	RATE/HOURS \$	TOTAL LEGAL FEES \$	TOTAL \$
Senior counsel		83.75		
Intermediate counsel	490	75.38	36,936.20	36,936.20
Junior counsel		87.00		
Law clerk/student		23.00		
Disbursements			6,500.00	6,500.00
Total (legal)			43,436.20	43,436.20

EXPERTS AREA OF STUDY	HOURS	RATE/HOUR \$	EXPERT FEES \$	DISBURSEMENTS \$	TOTAL \$
1. EAP issues	288	110	31,680.00	680.00	32,360.00
2. Land-use planning	126	110	13,860.00	1,370.00	17,450.00
x	37	60	2,200.00		
x Hydrogeologist	80	94	7,520.00	1,000.00	8,520.00
Total (Experts)			55,260.00	3,050.00	58,310.00

DISBURSEMENTS	TOTAL
Salaries (technical staff/advisory services)	
Salaries (clerical assistance)	
Office Rental	
Office Supplies/Equipment	
Postage, courier	1,000.00
Typing	
Printing	1,200.00
Telephone Costs	2,000.00
Photocopying	300.00
Transcripts 30 days @ \$200 per day	6,000.00
Total (Disbursements)	10,500.00
Sub-Total Request	112,266.20
Other sources of funding:	2,000.00
TOTAL REQUEST:	15,000.00

PERSON/FIRM RESPONSIBLE FOR FUNDS:
(cheques will be issued in these names)

October 26, 1992

Garrod Associates
221 Woolwich Street
Guelph, Ontario
N1H 3V4

Attention: Mr. Peter Pickfield

Dear Peter:

Re: North Simcoe/Wye Citizens' Group -
Hearing Continuation
Our File: 89.066.01

172 St. George Street
Toronto, Ontario
M5R 2M7
TEL 416 / 968-3511
FAX 416 / 960-0172

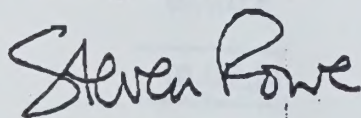
As requested in our recent telephone conversation, I am providing our proposed budgets for the EA and land use components of the work you will be requiring of us, in relation to the future continuation of the North Simcoe hearing.

If you have any comments or concerns regarding these budgets, please do not hesitate to call.

I look forward to working with you further on this project.

Yours very truly,

WALKER, NOTT, DRAGICEVIC ASSOCIATES LIMITED
Planning Consultants



Steven Rowe, MCIP, MRTPI
Senior Associate

SR/lt

Peter H. Walker, MCIP
Robert A. Dragicevic, MCIP
Wendy Kerr, MCIP
Principals

Lorelei Jones, MCIP
Steven Rowe, MCIP
Joan G. Wu, MAUD
Senior Associates

Brian Bell
Chief Financial Officer

BUDGET: NORTH SIMCOE WASTE MANAGEMENT ASSOCIATION**A. ENVIRONMENTAL ASSESSMENT PROCESS**

		Steven Rowe Hours	(\$110/hour) \$
1.	Review of original EA documentation, hearing evidence, Joint Board decision, Order-In-Council	25	2,750
2.	Review of "in process" documentation subsequent to Order-In-Council	8	880
3.	Review of EA addenda, preparation and review of Interrogatories	60	6,600
4.	Preparation of draft report	60	6,600
5.	Preparation of final report, Witness Statement	20	2,200
6.	Hearing preparation/review of transcripts	80	8,800
7.	Hearing attendance to give evidence	20	2,200
8.	Meetings with client	15	1,650
	Sub-Total: Fees	288	31,680
	Disbursements: Telephone		50
	Printing/photocopying		100
	Mileage		30
	Technical		500
	TOTAL: EA Process (exclusive of GST)		32,630

BUDGET: NORTH SIMCOE WASTE MANAGEMENT ASSOCIATION

B. LAND USE

		G. Muller Hours	(\$80/hr) \$	S. Rowe Hours	(\$120/hr) \$
1.	Review of Original Land Use Analysis	4.0	240	4.0	440
2.	Review of Bousfield Appendix #8	4.0	240	4.0	440
3.	Field Checking of Land Use Information	25.0	1,500	10.0	1,100
4.	Review Land Use Comparison	4.0	240	6.0	660
5.	Preparation of Report, Interrogatories, witness statement			50	5,500
6.	Hearing preparation, review of Interrogatories, transcripts			30	3,300
7.	Hearing attendance			12	1,320
8.	Meetings with Client			10	1,100
	SUB-TOTAL: Team Members	37	2,220	126	13,860
	SUB-TOTAL: FEES		18,080		
	Disbursements:				
	Mileage		140		
	Printing, Copying		200		
	Telephone		30		
	Technical		1,000		
	TOTAL - (Exclusive of GST)		17,450		



Appendix 2

Ministry of
the Attorney
General

Legal Services Branch
Ministry of the Environment

10th Floor
135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5

Telephone: (416) 323-4522
Fax: (416) 323-4310

Direct Line (416) 323-4417

Ministère
du Procureur
général

Direction des services juridiques
Ministère de l'Environnement

10^e étage
135, avenue St Clair ouest
Toronto (Ontario)
M4V 1P5

Téléphone: (416) 323-4522
Télécopieur: (416) 323-4310

December 7, 1992

Attn: Ms. Janet Martell

Assistant Board Secretary
Office of Consolidated Hearings
Box 2382
12th Floor
2300 Yonge Street
Toronto, Ontario
M4P 1E4

FAX: 323-4997

Dear Ms. Martell:

Re: County of Simcoe Hearing;
Joint Board File No. CH-87-03;
Funding Hearing for December 8, 1992.

Please accept this letter as the Ministry's submissions with respect to the funding application dated October 28, 1992, filed by Mr. Pickfield on behalf of the Wye Citizens Group.

I understand that all other funding applications have been withdrawn, and the above will be the only application considered by the Board tomorrow.

I note that the application requests funds well in excess of the \$15,000 provided by Order in Council No. 2670/92, dated September 18, 1992. This, of course, is obviously unacceptable. Pursuant to the Order in Council, the funding panel only has jurisdiction to award a maximum of \$15,000 in intervenor funding, and the Ministry expects that this maximum will not be exceeded.

Page 2

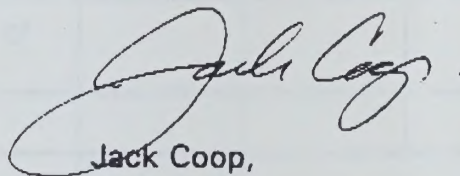
December 7, 1992

Ms. Janet Martell

Quite apart from the absolute limit on funding under the Order in Council, some comment is required with respect to the extent of funding requested by Mr. Pickfield. Without reviewing in detail each item noted in the funding application, as a general comment I am not satisfied that there has been a real attempt by Mr. Pickfield's client to limit the extent of work proposed to be done on its behalf, consonant with the limited objectives of the continued hearing. Furthermore, the proposed hours of preparation time appear quite excessive and budgets are absent (or in the case of the one provided, not particularly illuminating).

I trust the above comments will be of some assistance to the funding panel tomorrow, and would ask that a copy of this letter be placed before them at that time. With the Board's permission, and in the interest of saving the Province the expense of my attending in Midland tomorrow, I would ask that these written submissions be accepted by the Board in lieu of oral submissions. You have indicated that this should not present a problem for the Board.

Yours very truly,



Jack Coop,
Counsel

JC:\hear\simcoe\funding

CC:

Funding Panel

December 8, 1992, 11:00 a.m.

The Best Western Highland Inn

Salon B

All parties.

OF LAND... 1992.

CA20NCH 92C03

Ontario. The Consolidated Hearings Act, 1

CH-87-03(F)(1992)

COUNTY OF SIMCOE LANDFILL SITE DECISION A
DECISION IN THE MATTER OF AN APPLICATION B

**RESOURCE CENTRE
INST. FOR ENVIRON'L. STUDIES
UNIVERSITY OF TORONTO**



